

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.1877 OF 2020 IN FAST/4086/2020

THE EX. ENGINEER, MINOR IRRIGATION DIVISION NO. 1
AURANGABAD AND ANOTHER
VERSUS
BHIMRAO SHAMRAO MORE AND OTHERS

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Advocate for Applicants : Mr. Shyam C. Arora
Advocate for Respondents-original claimants : Mr. D. A. Bide and
Mr. V. B. Wayal

...

WITH CA/1879/2020 IN FAST/4089/2020

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CORAM : K.K. SONAWANE, J.

DATED : 14th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant-Acquiring Body. Perused the applications and other relevant documents produced on record.

2. Issue notice to the respondents. Mr. D. A. Bide, learned counsel waives service of notice for respondents-original claimants.

3. Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondents-claimants.

4. The applicant - Acquiring Body moved present applications for condonation delay caused in filing the first appeals against impugned Judgment and Award passed by the learned Reference Court, in the proceedings of LAR filed under section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicant-Acquiring Body, impugned Judgment and Award passed by the learned Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The applicant is Body corporate having its independent entity. After procuring the funds for court fees, appeals came to be filed, however, there is delay in filing the appeals. According to learned counsel for applicant-Acquiring Body, delay so caused is not intentional or deliberate, but, caused due to compliance of official process.

5. Learned counsel for respondents-original claimants submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

6. I have given anxious consideration to the submission advanced on behalf of both the sides. Considering nature of the subject-matter and reasons mentioned in the applications, I do not find any impediment to allow the applications for condonation of delay. The public interest is involved into the matter. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the applications for consideration of delay. Therefore, it is imperative to grant some sort of latitude to the applicant- Acquiring Body to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose of substantial justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the Civil Applications are allowed in terms of prayer clause (B). Delay caused in filing first appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. The Civil applications are disposed of, accordingly.

7. On registration of appeals, issue notice to the respondents-original claimants. Learned counsel waives service of notice for respondents-original claimants.

8. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

9. After compliance of procedural formalities, list the present appeals for admission and if possible with consent of both the sides for final hearing on merits at the stage of admission, on 01-04-2020.

Sd./-
[K. K. SONAWANE]
JUDGE